

DATE: DECEMBER 30, 2019

TIME: 15:28:36

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

SECOND DIVISION

LUNDEN ALEXIS ROBERTS

PLAINTIFF

vs.

NO. 32DR-19-187

ROBERT HUNTER BIDEN

DEFENDANT

“We are dependent on citizens of good faith to step forward when they see evidence of wrong doing. The system won’t work otherwise.” -- Adam Schiff, Chairman of the United States House Permanent Select Committee on Intelligence --September 26, 2019. Concluding Remarks after Testimony of National Intelligence Director Honorable J. Maguire

18 U.S.C. Section 4 requires one having knowledge of the commission of a felony to make known to a Judge or other person in civil or military authority under the U.S.

MOTION TO INTERVENE/MOTION FOR JUDICIAL NOTICE

Proposed Intervener and defrauded shareholder in several SEC-deregistered China-based NASDAQ publically traded companies, Joel Caplan, Pro Se, acting on behalf of himself and hundreds of thousands of other US investors who were defrauded in a systemic, formulaic and biblically-sized multi-billion dollar stock scheme known as “The China Hustle” comes before the Court and *and pursuant to Ark. R. Civ. P. 24* hereby moves to intervene in this case and be added as a party, with the same restrictions and court-imposed confidentialities as the parties as set by the Court in the “Interlocutory Court Order and Protective Order” on December 4, 2019 at the Court’s discretion and states as follows:

INTRODUCTION

Your Honor, in the action currently before the Court, Lunden Roberts "Plaintiff" brings an action against defendant Robert Hunter Biden, who has been in the news as a former board member of Burisma, a potentially corrupt or formerly corrupt Ukrainian company and was getting paid in the neighborhood of \$50,000-\$75,000/month. Additionally, Mr. Biden was apparently able to win deals from China in the Billions of dollars according to articles from the New York Times and National Review (citations below). Concerns have been expressed about Hunter Biden position and dealings with Ukrainian Energy company Burisma in statements by President Trump in early October 2019 from the White House Lawn and also during the presidency of President Obama as detailed by testimony of former US Ambassador to Ukraine Yovanovitch under oath.

(See <https://www.youtube.com/watch?v=zsVoiNRyznM>) and this has been thoroughly covered in the media. Furthermore, he, Defendant (Hunter Biden) is at a minimum and according to two much respected publications allegedly involved with international money laundering schemes or connected with individuals who are.

See New York Times Article October 3, 2019

<https://www.nytimes.com/2019/10/03/us/politics/hunter-biden-china.html>

and National Review magazine September 2019

<https://www.nationalreview.com/2019/09/hunter-biden-comprehensive-timeline/>

As mentioned, President Trump in early October 2019 echoed the substance in these articles from the White House Lawn stating “Mr. Biden was able to secure “1.5 Billion dollars from his dealings in China.” and continued saying that Hunter Biden “walked out of that meeting with 1.5 Billion with a B” from the Chinese.”

<https://www.youtube.com/watch?v=r6Gg5ZPpb6g> (45 Second Clip of President Trump)

In this case, the Court will be deciding paternity financial responsibilities of the Defendant in the upcoming months somewhat based on Mr. Biden’s financial records and financial status which are correlated with international involvements in both China and Ukraine and related businesses that received money of questionable sources and for questionable reasons. That pending information has been placed under protective order by the Court on December 4, 2019 in the “Interlocutory and Protective Order”. On December 27, 2019 an organization called D&A investigations filed a motion to intervene based on evidence of “fraud, counterfeiting and money laundering schemes.” I am unrelated to D&A and have never to my knowledge had any communications with D&A or its agents.

FACTUAL BACKGROUND

“The China Hustle” and the Connection to

International Financial Crimes

The China Hustle is a term which depicts a massive systematic securities fraud scheme that has been ongoing for 10-15 years and continues to occur in the United States, wherein China-based companies submitted either fictitious 10-k's or 10-k's which could not be verified as “True and Correct” when questioned by the SEC or NASDAQ due to Chinese State Secrecy Laws. These China-based publically traded companies were hyped up and sold by American investment banks to U.S. investors. It is estimated that there were over 200 such companies which resulted in losses of over 50 Billion dollars to US investors for accounting irregularities. Once caught, many of these companies stopped reporting their financial statements to the SEC and to US investors also stopped holding shareholder meetings. The majority of them went “illegally dark” but only after raising enormous amounts of capital in the United States and transferring those monies through off-shore accounts frequently in the Cayman Islands and through shells in Hong Kong back to the PRC (People's Republic of China) where assets are not accessible to the average investor. Tens if not hundreds of billions of dollars were repatriated in the PRC. See <http://stopthechinahustle.org/> for a list of the companies and current and previous market caps. Estimates show losses of 50 Billion dollars.

When shareholders realized their accounts were quickly going to zero, in a few dozen situations, shareholders went to US Courts. Court Judgments were sought either via class actions or via "put-options" through Receiverships when these companies failed to defend themselves in US Courts and various Courts issued Contempt of Court orders (See Appendix I and Exhibit D). While several dozen cases were won either by shareholders themselves or in a few cases by the SEC, the majority of companies got off scot free because of the length of time to obtain US Court Judgments and the impotence of US Court Judgments in the PRC once obtained (See Exhibit B). Many Chinese Nationals were unjustly enriched due to the difficulty of pursuing justice in these matters. In some cases, however, shareholders like myself, did go to US Courts and received Court Judgments. These judgments empowered US Court-appointed Receivers to negotiate with the bad actors in China on behalf of the defrauded shareholders. However, as US Court Judgments are not enforceable in China and assets are also largely untouchable in Communist China, US Court-appointed Receivers have had enormous difficulties obtaining justice for defrauded US investors like myself. For the most part, hundreds of thousands of shareholders lost everything. Everything means close to 50 Billion dollars!!!! After watching this process unfold for nearly ten years, enough investors complained to their Congressional representatives and

over the past year, two bills have been drafted but Congressional hearings on these bills have not yet begun.

See Senate Bill 1731 (<https://www.congress.gov/bill/116th-congress/senate-bill/1731>) and House Bill 3124 (<https://www.congress.gov/bill/116th-congress/house-bill/3124>).

A documentary was made about this multi-billion dollar heist called "The China Hustle" which was reviewed in Forbes and Bloomberg (See <https://www.forbes.com/sites/markhughes/2018/03/30/review-the-china-hustle/>).

President Trump is not the only high level official concerned about fraud from China. In a recent Wall Street Journal article, Senators Rubio, Cotton and Gillibrand comment on the brazenness of the Chinese frauds when introducing the reasons for the pending bills. Two of the Senators quoted below have been recent presidential candidates.

"The Chinese Communist Party shields its prized companies from financial audits and accountability, yet we still allow those companies to be traded on U.S. stock exchanges," **Senator Cotton said**. "If foreign companies want to stay on American exchanges, they need to abide by the same rules everyone else does. Our bill would ensure that foreign companies traded on U.S. stock exchanges provide regulators with information already required by law.

"Chinese firms should not be allowed to play by a different set of rules than American companies, yet they are currently allowed to operate on our stock exchanges without the same oversight that American companies have to comply with," **Senator Gillibrand said**. "Americans deserve full transparency about the companies listed on our stock exchanges, and I am proud to

join with my colleagues on both sides of the aisle to introduce legislation that would allow U.S. regulators to verify that any foreign company that enters into our market is properly audited. If China refuses to comply with international norms of transparency, then its companies should not have access to the U.S. market.” See- <https://www.rubio.senate.gov/public/index.cfm/2019/6/rubio-colleagues-introduce-bipartisan-bicameral-bill-to-ban-chinese-foreign-firms-that-flaunt-u-s-laws-from-u-s-exchanges>

Furthermore, your Honor, this fraud is not new but has been ongoing for a decade or more. As far back as January 9, 2013, Former SEC Chairwoman Mary Schapiro said in an ABC News article regarding The China Hustle *“The Chinese government snubbed a U.S. request for help in cracking down on a string of alleged investment frauds that have cost Americans billions, outgoing Securities and Exchange Commission Chairman Mary Schapiro told ABC News.” “The lack of cooperation has stymied efforts to recoup investor losses, she said, in one of the largest sprees of alleged financial crimes in recent memory – one that has gone largely unnoticed by most Americans.” Chairman Mary Schapiro January 9, 2013 (See Exhibit D)*

The lack of Chinese cooperation with Court-appointed Receivers as well as with SEC officials and the ongoing disrespect for truth and transparency have finally prompted two bills in the Congress as follows:

- 1) Senate Bill 1731 **(See Exhibit E)**

<https://www.congress.gov/bill/116th-congress/senate-bill/1731>

- 2) House Bill 3124 **(See Exhibit F will be submitted by mail)**

<https://www.congress.gov/bill/116th-congress/house-bill/3124/actions>

All of the above is explained in more detail in the documentary/expose “The China Hustle”-- https://en.wikipedia.org/wiki/The_China_Hustle

Prospective intervenor, Mr. Caplan (See Appendix I) is a shareholder in several companies that have disappeared in People's Republic of Communist China and he holds "put-options" on four such companies (ABAT, CSGH, CCGY and SCEI) Mr. Caplan lost ten years of his life savings in these illegally "gone dark" Chinese companies. One company, Advanced Battery Technologies had 3 large campuses and a market cap of \$250,000,000 and that company has now disappeared in Communist China. In 2011 they opened an \$85,000,000 lithium-ion battery factory with US investor money. (See www.abatelectricscooter.weebly.com) That company had nearly 1500 workers and claimed to be making \$35,000,000 annually in net profit. That company could not function once they lost access to their US investors due to financial fraud and they never communicated again with their shareholders after raising \$100,000,000 in the United States. ABAT's last 10-K <https://www.sec.gov/Archives/edgar/data/745651/000109690611000507/abat10k20101231.htm>

Given all the above, it is astonishing and nauseating that somehow Hunter Biden was able to secure 1.5 Billion dollars from Chinese Nationals who claimed (one might say bragged) that they had "trillions" to invest when at the same time the Chinese government has snubbed both SEC officials and US Court-appointed Receivers and allows \$100,000,000 companies like Advanced Battery Technologies to just "disappear" or rewards CEO's that steal from Americans with political positions that protect them. It is also astonishing and nauseating (and

illegal) that financial crooks were able to waltz back to China with tens of Billions of US dollars and Hunter Biden was able to waltz into China and receive 1.5 Billion dollars while authorized US officials and representatives of US Courts could not do this.

If I, Caplan continue to remain merely a bystander and non- party to this Action and similar actions like this one, I (along with hundreds of thousands of other investors who were defrauded by bad actors in China and who are now laundering money) risk losing most if not all of our investment in Chinese companies which either are, or were public companies.

In addition to the pending Congressional bills and the realization that possibly 250,000 Americans lost over 50 Billion dollars in these systemic and formulaic frauds, this malevolent patterns has been brought to the media by one esteemed think-tank in Washington DC called "Clear and Present Danger China" See <https://presentdangerchina.org/about-us/> and <https://presentdangerchina.org/members/> Its committee members believe and have evidence that these financial crimes are part of a much broader covert war by China on the United States and that the theft of this money is actually a very, very grave national security threat.

Sadly, Mr. Robert Hunter Biden despite the heart-breaking personal losses he has had for which I am truly empathetic, is finding himself in the spotlight with pivotal consequences due to his involvement with international financial schemes in two

corrupt countries, namely Ukraine and China. I hope that within this very complex drama that is unfolding are tremendous gifts for everyone for we learn from scripture that "The Truth shall set us all free."

And now comes, Joel Alan Caplan, Pro Se, defrauded shareholder in the multi-billion dollar "The China Hustle" stock fraud stock scheme.

ARGUMENT

The Arkansas Rules of the permit a non-party to intervene in a pending action as of right

Rule 24 – Intervention

(a) ***Intervention of Right.*** Upon timely application anyone shall be permitted to intervene in an action:

(1) when a statute of this state confers an unconditional right to intervene; or

(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(b) ***Permissive Intervention.*** Upon timely application anyone may be permitted to intervene in an action:

(1) when a statute of this state confers a conditional right to intervene; or

(2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(c) ***Procedure.*** A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Rule 5. The motion shall state the grounds therefore and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought. When the constitutionality of a statute

of this state affecting the public interest is drawn into question in any action, the court may require that the Attorney General of this state be notified of such question.

Joel Caplan remains a current shareholder with US Court awarded “put-options” in several deregistered and vanished Chinese companies (ABAT, CSGH, CCGY and SCEI) which raised hundreds of millions of dollars through fictitious accounting and false pretenses on Wall Street. These companies were subsequently deregistered by the SEC for going “illegally dark” by not reporting their financial 10-K’s in a timely fashion and failing to defend themselves in SEC Hearings. (See for example <https://www.sec.gov/litigation/admin/2015/34-76804.pdf>) These 4 (ABAT, CSGH, CCGY and SCEI) companies are among hundreds that disappeared in China amounting to losses of over 50 Billion dollars for US shareholders.

Joel Caplan’s claim has a question of law and fact in common with *Roberts vs. Biden*, namely whether the disappearance of those companies and the vast sums of money they raised is related, correlated, or has any nexus with the 1.5 Billion dollars that Mr. Robert Hunter Biden received or allegedly received from high level Chinese government officials and/or wealthy Chinese National investors. Mr. Caplan has reason to believe and evidence that there is a strong nexus and a correlation between the egress of money via “The China Hustle” and the laundering of that money through matters related to this case and there is no reason

not to believe this given the plethora of evidence and that the Chinese seem unable to resolve this ongoing scandal even though they have “trillions” to invest they cannot pay off on US Court Judgments in the billions. Nor has any evidence ever been provided by the Chinese government or parties involved in these frauds to the contrary because those “bad actors” simply disappear and don’t show up in US Courts rather than paying their US Court Judgments. Furthermore the discovery that will take place in this case will provide missing pieces of exactly how much money the Chinese paid Robert Hunter Biden and what he used that money for (ie. buying US Technology or buying companies which have military use to the Chinese etc.) Again, the story of Biden’s involvement with massive Chinese business dealings is documented in a September 30, 2019 article from the highly respected National Review by senior political correspondent Jim Geraghty and entitled “Hunter Biden: The Most Comprehensive Timeline”

(See <https://www.nationalreview.com/2019/09/hunter-biden-comprehensive-timeline/>)

A verbatim excerpt from this article is below. In summary, Mr. Geraghty writes that there is a **“long timeline of Hunter Biden’s involvement with questionable Chinese contacts and the ultimate securing of 1.5 Billion dollars from Chinese individuals and government that had “TRILLIONS” to invest.”**

I, Caplan, am hopefully that Your Honor understands that it is a gross travesty of justice when US Court Judgments from stock frauds in the Billions of dollars can

be ignored by China and yet they are brazen and immoral enough to work around that to launder money through high profile individuals like Mr. Robert H. Biden and individuals he was associated with, all the while ignoring or scoffing at Court-appointed Receivers such as attorney Robert Seiden See New York Times article March 5, 2016 <https://www.nytimes.com/2016/03/16/business/dealbook/bounty-hunter-tracks-chinese-companies-that-dupe-investors.html>. (Mr. Seiden was actually authorized as the Court-appointed Receiver in approximately 20 cases to make US shareholders whole again. However, despite being authorized by US Courts to seize assets globally and exercise broad global powers to make defrauded shareholders whole again, Mr. Seiden was largely rebuffed in China and has only been able to collect a very, very tiny pittance of the more than one billion dollars that he was authorized by US Courts in Delaware, Nevada and others to collect. (See Exhibits A, B, C, D and E) Specifically Affidavit in Exhibit D in Paragraphs 13,14, 15 and 16 states

Exhibit D ¶13 "The Company and its Chairman worked under the assumption that it is extremely unlikely for US plaintiffs to collect on a judgement in the absence of receiver because all assets, operations and ownership interests of those Chinese Companies belonging to the holding companies were insulated inside China."

Exhibit D ¶14 "Chinese Courts have historically not entertained US Court Judgments or recognized the power of foreign corporations to assume or regain control of operating companies within China."

Exhibit D ¶15 "The current environment inside China does not allow for recourse of the average US investor to recoup losses or enforce judgments after companies defraud their US investors and simply choose to "go dark."

The previously mentioned timeline of Robert Hunter Biden alleged involvement in international money laundering schemes as specified in D&A Investigator's recent Motion to Intervene as well as in the September 13, 2019 article by senior political correspondent Jim Geraghty from National Review is below:

(See <https://www.nationalreview.com/2019/09/hunter-biden-comprehensive-timeline/>)

TIMELINE as presented in National Review 9/13/2019

2010–11: Rosemont Seneca (co-founded by Hunter Biden) takes off like a rocket in its ability to secure meetings with wealthy Chinese investors. From Peter Schweitzer's Secret Empires: How the American Political Class Hides Corruption and Enriches Family and Friends:

Less than a year after opening Rosemont Seneca's doors, Hunter Biden and Devon Archer were in China having secured access at the highest levels. Thornton Group's account of the meeting on their Chinese-language website is telling: Chinese executives "extended their warm welcome" to the "Thornton Group, with its U.S. partner Rosemont Seneca chairman Hunter Biden (second son of the now Vice President Joe Biden)." The purpose of the meetings was to "explore the possibility of commercial cooperation and opportunity." Curiously, details about the meeting do not appear on their English-language website.

Also, according to the Thornton Group, the three Americans met with the largest and most powerful government-fund leaders in China — even though Rosemont was both new and small. To put these meetings in perspective, it was as if the son of the Chinese premier held a single meeting with the heads of Goldman Sachs, Bank of America, J.P. Morgan, Merrill Lynch, and Blackstone. Except, in this case, these were government entities with trillions of dollars of capital to invest. The delegate spent two days meeting with the top executives of China's sovereign wealth fund, social-security fund, and largest banks. Hunter posed with them for a series of pictures.

Sometime in 2012: Devon Archer and Hunter Biden begin meetings with “Jonathan Li, who ran a Chinese private-equity fund, Bohai Capital, about becoming partners in a new company that would invest Chinese capital,” according to *The New Yorker*.

June 2013: Li, Archer, and other business partners signed a memorandum of understanding to create the fund, which they named BHR Partners, and, in November, they signed contracts related to the deal. Hunter Biden becomes an unpaid member of BHR’s board but will not take an equity stake in BHR Partners until after his father leaves the White House.

August 19, 2013: *New York Times* business columnist Andrew Ross Sorkin writes in his column, “In Washington, the line between lobbying and bribery is not clear-cut. Until 2008, R. Hunter Biden, son of then-Senator Joseph R. Biden Jr., lobbied Congress regularly.”

December 4, 2013: Hunter Biden joins his father on Air Force Two on a trip to China, where his father is meeting with Chinese president Xi Jinping. Hunter arranges for Li to shake hands with his father in the lobby of the American delegation’s hotel. Afterward, Hunter and Li have what both parties describe as a social meeting.

According to *The New Yorker*, at this time other Obama-administration officials weren’t comfortable with Hunter Biden’s business ties in China, but they did not confront the vice president about the matter:

Hunter’s meeting with Li and his relationship with BHR attracted little attention at the time, but some of Biden’s advisers were worried that Hunter, by meeting with a business associate during his father’s visit, would expose the Vice-President to criticism. The former senior White House aide told me that Hunter’s behavior invited questions about whether he “was leveraging access for his benefit, which just wasn’t done in that White House. Optics really mattered, and that seemed to be cutting it pretty close, even if nothing nefarious was going on.” When I asked members of Biden’s staff whether they discussed their concerns with the Vice-President, several of them said that they had been too intimidated to do so. “Everyone who works for him has been screamed at,” a former adviser told me.

December 2013: “Less than two weeks later, Hunter Biden’s firm inked a \$1 billion private equity deal with a subsidiary of the Chinese government’s Bank of China,” author and investigator Peter Schweizer says. “The deal was later expanded to \$1.5 billion. In short, the Chinese government funded a business that it co-owned along with the son of a sitting vice president.”

But *The New Yorker* quotes a BHR representative who says the deal was signed before the vice president’s trip to China, a business license came through shortly after, and Hunter was not a signatory.

XX

Your Honor, I and numerous others who trusted Audited 10-k's from deceptive Chinese companies over the years went nearly bankrupt from losses in Chinese stock frauds that had been trading on NASDAQ and NYSE in the timeframe above 2008-2018. I personally pursued justice in several Courts and received hard-won "put-options" in those Courts after years of legal battles. The thieves in China, with the stolen money raised under false pretenses and fictitious accounting, were able to hire top-notch Defense Law Firms to protect them for years while they dissolved their companies and moved the stolen money into other ventures and other investment vehicles as documented in other Court filings (which will emerge in this and other related cases.) As mentioned previously, though US Court Judgments are not enforceable in China. (See again Exhibits A, B,C and D) and Receiver Reports

Having lost ten years of my life savings and having pursued justice methodically and patiently within the US Court system, I am at a loss of what to do except to do my patriotic and religious duty and to report all this to the Court with a prayer for justice for myself and others similarly situated who have been basically robbed. (One 85 year old man that contacted me that also pursued justice lost his entire pension fund and 401K depriving his family of nearly all the support he could have given them during his life and in his will. There are countless stories like this documented in "The China Hustle."

I have tried to help others over the past ten years who were defrauded and I have set up a (so far very unsuccessful) charity fund for myself to recoup my investment losses in China.

See <https://thechesedfund.com/abatevents/defraudedbychinastockfraudswithnorecourse>
The links contained in this site explain the nature of the fraud and the nearly impossible ways short of a miracle to recoup those losses.

I lost enormous sums of money in those frauds (along with hundreds of thousands of other US investors) and Hunter Biden is allegedly involved with international money laundering schemes in the Billions of dollars. See New York Times Article <https://www.nytimes.com/2019/10/03/us/politics/hunter-biden-china.html>. Furthermore, it is clear by his own admission in several interviews that this dubious “chosenness” of him by the super-wealthy Chinese and by Ukranian oligarchs was to a great extent the result of his name “Biden” and under some protection and influence of Presidential candidate and former Vice President Joseph Biden as described in the article above.

Your Honor this illegal and malevolent way of dealing with money is called in Chinese custom “guanxi” or building relationships with powerful people and keeping public “face” or “appearances”, in Communist countries it is called “corruption” but in our culture and in our laws, we call it something else “bribery” and “theft.” Furthermore if it involved “kompromat” which it commonly does in those parts of the world whereby compromising illicit or depraved evidence is gathered on powerful individuals, we call it something else “extortion.” See MSNBC report by Rachel Maddow “Prostitutes, Hidden Hotel Camera’s Familiar Putin Tools” <https://www.youtube.com/watch?v=uHX031UoCXA>

By his own admission Vice President Biden admits that he was able to get the former prosecutor of Ukraine fired by holding up a billion dollars who was investigating Burisma and his son. This is well-documented in the news. For example, this is the clip of Vice-President Biden acknowledging the weight he exercised in Ukraine https://www.youtube.com/watch?v=mIPw_Who7E by withholding one billion dollars unless the Ukrainian prosecutor Shokin at that time stopped investigating Burisma. See also Sworn Affidavit of former Ukrainian Prosecutor Victor Shokin (the one investigating Burisma that Vice President Biden refers to in the above video **Exhibit F Shokin Affidavit**

See <https://www.scribd.com/document/427618359/Shokin-Statement>

¶8 "The Truth is that I (Shokin) was forced out because I was leading a wide-ranging corruption probe into Burisma Holdings ("Burisma"), a natural gas firm in Ukraine, and Joe Biden's son, Hunter Biden, was a member of the Board of Directors. I assume Burisma, which was connected with gas extraction, had the support of the US VicePresident Joe Biden because his son was on the Board of Directors."

If it pleases the Court, given that our entire nation is divided over whether President Trump, Vice President Biden or both or neither were involved in a "quid pro quo" with China and/or Ukraine, I am acting pro se on behalf of myself and hundreds of thousands of other defrauded shareholders who lost Billions of dollars in the "China Hustle" to bring light and further evidence and related legal

documents and respectfully ask this Court to consider that I, Caplan meet this standard in this action and should be added as a party to this case for the purposes of limited discovery and to pursue “put-options” achieved in other Courts from this biblical and ongoing fraud on the American investment public.

BACKGROUND AND CONCERNS

On December 23, 2019, a motion (subsequently denied and sticken (See Appendix II) was submitted to the Court entitled “Notice of Fraud and Counterfeiting and Production of Evidence.” On December 27, 2019 D&A filed a Motion to Intervene. Seemingly the alleged bad actors that were mentioned in that pleading by D&A Investigators were involved in money laundering schemes emanating from China and Ukraine also. Figures in the billions of dollars are referenced in related Court Document which will be submitted to this Court. As Caplan has studied the continued injustice of “The China Hustle” (See Barrons’s <https://www.barrons.com/articles/when-chinese-stock-fraud-was-rampant-1521659454>) for nearly a decade, it is also clear that billions of dollars left US investors accounts and went to China through dishonorable, unethical, dishonest and scheming methods based on submission of false and fictitious 10-k’s. That capital seems to be gone in the PRC, never to be seen again because US Court Judgments are not enforceable in China and China protects the audits of Chinese state and privately owned companies even when they are publically traded companies which

raise capital and trade in the United States. Appalling!!!! Caplan fought for Court Judgments in several Courts, but US Court Judgments are not enforceable in China generally speaking. To date, only two out of more than one thousand US Court Judgments have been enforced in China.

(See <https://www.chinajusticeobserver.com/a/chinese-courts-recognized-and-enforced-a-u-s-judgment-for-the-second-time>

Additionally, one of Caplan's main concerns is that bad actors in China and possibly Ukraine may be continuing to attempt and/or already have successfully laundered money back to the United States or other safe havens such as Canada, Cyprus through individuals like Mr. Robert Hunter Biden and/or related parties that he has had dealings with over the years (such as those names in the recently stricken motion namely John Galanis aka Yanni, Devon Archer, Bevan Cooney.) and others as yet to be discovered and named. Our nation and the competing news networks continue on a daily basis to be divided into two passionately opposed perspectives and narratives of what took place about "corruption and bribery" within Ukraine and China and whether the President poses a "national security threat" or was attempting to actually stop a national security threat. I opine as a United States citizen and civilian that cases like this are the tip of the iceberg related to systemic and formulaic international fraud and can and will expose actual, real and serious national security threats. But that the US Courts

need to see the interconnections in these frauds and be unified in their pursuit of truth and justice.

It is eminently clear to all that when US dollars in the Billions or hundreds of Billions leave the country from honest and naïve investors and “disappear” in China and subsequently find their way back through other “nefarious and illegal means” it should be of grave concern to everyone. Is the entire planet becoming corrupt as the Bible tells us in the days of Noah? Furthermore, as the most bipartisan impeachment process in the history of the United States unfolds, it is clear that our Judeo-Christian nation really needs to unite around real justice and the scriptural messages of “thou shalt not steal” “thou shalt not accept a bribe” “the truth shall set you free” and “justice, justice, you shall pursue.” Passages like these obligate a human being to be a moral and truthful person.

Be it known therefore, that Caplan, along with hundreds of thousands of other investors have lost a great sum of money in Chinese fraudulent companies because after that money went to China, those companies disappeared and the government of China did not help various Court-appointed Receivers and now apparently fraudulent bad actors in China are attempting to launder that money through individuals like Robert Hunter Biden. Furthermore, this whole international fraudulent financial scheme actually poses the most serious risks to our National Security and so while the Democrats in Congress continues to search

high and low for ways in which President Trump may pose a National Security Risk, they conveniently overlook glaring crimes like this one that are staring them in the face.

Your Honor, when will they see the proverbial “elephant in the room” that sits boldly in front of them? Is there a phenomena going on here of “The Emperor has no Clothes” wherein what is in plain sight for some odd reason cannot be seen by the populace at large because everyone is seeing the trees but very few are seeing the forest? Your Honor, I am screaming and telling everyone that the Emperor has no Clothes!! Billions of dollars were lost in China where US Court judgments are not respected and there is no “rule of law” and then allegedly individuals like Hunter Biden can be bribed with that stolen money to buy US companies for the Chinese and also take “intellectual property” as we have been reading about for two years. Now it appears that evidence will emerge in this court case.

I am a voice in the wilderness but I am not alone. . . .

I, now refer the Court and dear readers to a very respected think tank in Washington DC called “Clear and Present Danger China” See <https://presentdangerchina.org/about-us/> and <https://presentdangerchina.org/members/> The experts on that committee all of whom held high and powerful positions with advanced university degrees and fellowships echo the reality that global frauds like this one are the true danger to our National Security and to “our Republic if we can

keep it” to reuse the expression that so many Democrats used in the recent impeachment hearing.

The plethora of financial crimes which Hunter Biden allegedly and possibly unknowingly took part in combined with the lack of financial oversight that allows billions of dollars to be stolen and laundered is the true bipartisan issue that our Congress should be focusing on. Hundreds of billions of dollars are at risk because of the lack of oversight and the abundance of bribery and dishonesty taking place at the highest levels of Wall Street and government. President Trump purports to stop and not further assist such financial crimes and it is ironic that he is being accused of putting our national security at risk when clearly financial crimes such as those that will emerge during discovery in this case are the true risks to national security.

ARGUMENT

Based on my nearly ten year pursuit of justice for capital lost in the China Hustle, I, Caplan am already a natural Party to the case and wish to assert the same rights and privileges as well as conditions, limits and confidentiality oaths as Ms. Lunden Roberts and her attorneys as well as those of Hunter Biden and any other intervenor. In light of all of the foregoing and the inferences that can be drawn, I, Caplan should be permitted to intervene in this action so that interests can be protected should a link be discovered which is extremely likely between multi-

billion dollar "China Hustle" stock scheme involving companies like Puda Coal, Sino Forest and dozens of other companies in China that just disappeared including the ones I still hold shares in. . . .Advanced Battery Technologies (ABAT), CSGH, SCEI, CCGY. See Barron's (<https://www.barrons.com/articles/when-chinese-stock-fraud-was-rampant-1521659454>) and

https://en.wikipedia.org/wiki/Advanced_Battery_Technologies and others.

(See also 9542-VCMR in Delaware Court of Chancery and Case 1:11-cv-02279-CM in the Southern District Court of New York) for further information about how I fought for justice since 2011 to just get back a court-determined "fair value" for my shares. I innocently bought stock based on false and fictitious audited 10-k's which were a complete fabrication which is partially a source of the money for these frauds. Just follow the money Your Honor.

The subsequent inability and unwillingness of Chinese authorities to assist both the Chairwoman of the SEC, as referenced previously and Court-appointed Receivers like Attorney Robert Seiden while at the same time gleefully and proudly even with braggadocio laundering money in networks based in China (that by their own admissions have trillions of dollars to invest) and that Robert H. Biden allegedly knows about is a biblical travesty of justice and poses a very, very serious national security threat if allowed to continue and if not remedied. (As required, please report this to the Attorney General and the FBI if required.)

Mr. Caplan is on record in Case 1:11-cv-02279-CM when he alerted Federal Judge Collen McMahon to the massive size of these frauds when they first began to be exposed in 2011. See page 18 of Transcript from 1:11-cv-02279-CM in Southern District of New York in open hearing from December 13, 2013. (can be provided to the Court upon request)

Verbatim Transcript of

MR. CAPLAN: Right. And it is compounded by the fact that this is happening with a large number of Chinese companies. So when that number \$225 million is multiplied by 10 or 20, it is a huge amount of money that is leaving the country, and there is no recourse.

THE COURT (Judge McMahon): It is interesting, because if what you are talking about is a widespread phenomenon that is detrimental to the United States economy, it ought to be of interest to someone at some level of government. A Court of Law dealing with a discrete situation is probably not the best forum for working out the policy issue of whether, I don't know, Chinese companies ought to be able to distribute stock in the United States. It might be an issue of interest to the business press if there is in fact this broad-based, widespread phenomenon happening, over and over again, these companies are turning out to go bust, and all the investment from the United States ends up in China and there is no return. I would think that somebody from Bloomberg or the Wall Street Journal would be very interested in that." (Transcript December 13, 2013, page 18)

Judge McMahon is on record as appreciating Mr. Caplan

Given Proposed Intervenor's substantial interest in this case, any disposition of the action without Caplan's intervention would practically impair or impede Caplan's ability to protect the value of his shares in Chinese companies (ABAT,

CSGH, CCGY and SCEI) which have received “put-options” in other Courts. See Seiden <https://seidenlawgroup.com/in-the-news/>

Proposed Intervenor seeks to intervene now because, Caplan’s interests are not adequately represented by any other party in this case. Indeed, the interests of the existing Plaintiff and Defendants are shared by Caplan’s interest because upon discovery, vast networks of money laundering will be discovered and this will play a role in both in the restoration of justice to the Plaintiff, injured shareholders and will protect against future insults to our National Security, connect the bad actors in these international frauds and their victims in the US and will bring more light and context to the impeachment process and the 2020 Presidential election because the truth will emerge through the production of evidence and discovery.

The recent impeachment decision in the House of Representatives against President Trump, hinged on the intent behind President Trump’s delaying aid to Ukraine and referencing Mr. Hunter Biden’s involvement with Chinese billionaires and this is still a very hotly disputed subject as our nation discusses the “Constitutional Crisis” that we are in.

Furthermore, intervention as of right would neither impede nor frustrate the underlying proceedings and Caplan should be permitted to intervene to protect his interests under the same conditions as those that will be granted to Plaintiff, the parties and other Intervenors which the Court may admit.

IN ANY EVENT PROPOSED INTERVENOR SHOULD BE GRANTED PERMISSIVE INTERVENTION PURSUANT TO RULE 24(B)

Even if this Court does not grant intervention under Rule 24(a), permissive intervention should be allowed under Arkansas Rule of Civil Procedure 24(b) which states:

Upon timely application anyone may be permitted to intervene in an action. . .

(2) when an applicant's claim or defense and the main action have a question of law or fact in common. . . . In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, for the reasons stated herein, Caplan respectfully requests that the Court grant his Motion to Intervene, order the Clerk to make Caplan a party in the case and grant such other and further relief as may be appropriate.

If this Court finds this Motion to be deficient, Mr. Caplan requests that he be able to resubmit this motion to make proper case citations and to connect the inferences that the Court may not be able to clearly see and to in order to meet the Court's requirements to "draw proper inferences".

Furthermore, it is hereby requested that this Motion to Intervene also be accepted as, or converted to a Motion for Judicial Notice given the vast amount of relevant and related material contained within it which involves an ongoing felony of biblical proportions wherein innocent Americans lost 50 Billion dollars in Chinese Stock Frauds and stand to land Billions more (according to Clear and

Present Danger China) and for which discovery is the PRC is near impossible.

Thank you for you time!

December 27, 2019

Respectfully submitted,

/s/ Joel Caplan Joel Caplan

Joel Caplan, Pro Se

Jerusalem, Israel 92104

Caplan Proposed Intervenor

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

SECOND DIVISION

LUNDEN ALEXIS ROBERTS

PLAINTIFF

vs.

NO. 32DR-19-187

ROBERT HUNTER BIDEN

DEFENDANT

ORDER

UPON CONSIDERATION of the Motion to Intervene (the "Motion") filed by

Joel Caplan, it is on this _____ day of _____, 2019 in the CIRCUIT

COURT OF INDEPENDENCE COUNTY, ARKANSAS

ORDERED that the Motion is GRANTED; and it is further

ORDERED that Joel Caplan is made a party in this action effective the date _____
of the entry of this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided on the 30th day of December 27, 2019 to the following person or persons by the following method—**EMAIL**

EMAIL

1. Brent Langdon Atty for Robert Hunter Biden blangdon@ldatty.com

2. Clint Lancaster Atty for LUNDEN ALEXIS ROBERTS
clint@thelancasterlawfirm.com

3. CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

by FAX and EMAIL

Circuit Clerk
PO Box 2155
Batesville, Ak 72503